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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

SEAN RODNEY ORTH,

Petitioner,

v.

WARDEN HDSP, et al.,

Respondents.

Case No. 3:15-cv-00131-MMD-VPC

ORDER

On December 12, 2017, the Court concluded that Ground 11 of the habeas petition in this case was unexhausted and directed petitioner to select one of three options with respect to the unexhausted claim. (ECF No. 34.) On January 8, 2018, petitioner moved to dismiss Ground 11 and proceed on his exhausted claims. (ECF No. 35.) No opposition to the motion has been filed, and the time for doing so has expired.

Accordingly, it is therefore ordered that Ground 11 of the petition in this action is dismissed without prejudice.

It is further ordered that respondents shall file an answer to all remaining claims in the amended petition (ECF No. 15) within forty-five (45) days of the date of this order. The answer must include substantive arguments on the merits as to each remaining ground in the petition, as well as any procedural defenses which may be applicable. In filing the amended answer, respondents must comply with the requirements of Rule 5 of the Rules Governing Section 2254 Cases in the United States District Courts.

DATED THIS 24th day of January 2018.



MIRANDA M. DU
UNITED STATES DISTRICT JUDGE